

KAREN MITCHELL
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

WALTER NEIL SIMMONS (03)

NO. 3:16-CR-60-M

FACTUAL RESUME

In support of Walter Neil Simmons' plea of guilty to the offenses in Counts One through Three of the Superseding Information, Simmons, the defendant, Shirley Lobel, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offenses alleged in Counts One through Three of the Superseding Information charging violations of 42 U.S.C. § 1320d-6(a)(1) and (b)(1), that is, Wrongful Use of a Unique Health Identifier, the government must prove each of the following elements beyond a reasonable doubt:¹

First. That the defendant knowingly used or caused to be used a unique health identifier as charged in the Superseding Information; and

Second. That the defendant used this unique health identifier in violation of Title 42, United States Code, Chapter 7, Subchapter XI, Part C.

¹See *United States v. Zhou*, 678 F.3d 1110 (9th Cir. 2012).

STIPULATED FACTS

1. Walter Neil Simmons admits and agrees that on or before September 12, 2014, he obtained a Medical History Questionnaire that contained L.M.'s unique health identifiers including L.M.'s name, address, social security number, insurance member ID number, description of health history, and description of symptoms. Simmons admits and agrees that on or about September 12, 2014, he knowingly used L.M.'s unique health identifiers by writing a prescription for two compounded drugs for L.M. and faxing the prescription form to John Cooper in Dallas, Texas.

2. Simmons admits and agrees that on or before September 19, 2014, he obtained a Medical History Questionnaire that contained D.P.'s unique health identifiers including D.P.'s name, address, social security number, insurance member ID number, description of health history, and description of symptoms. Simmons admits and agrees that on or about September 19, 2014, he knowingly used D.P.'s unique health identifiers by writing a prescription for three compounded drugs for D.P. and faxing the prescription forms to Cooper.

3. Simmons admits and agrees that on or before September 20, 2014, he obtained a Medical History Questionnaire that contained J.E.'s unique health identifiers including J.E.'s name, address, social security number, description of health history, and description of symptoms. Simmons admits and agrees that on or about September 20, 2014, he knowingly used J.E.'s unique health identifiers by writing a prescription for three compounded drugs for J.E. and faxing the prescription forms to Cooper.


4. Simmons admits and agrees that his uses of the unique health identifiers of L.M., D.P., and J.E., as set forth above, were in violation of Title 42, United States Code, Chapter 7, Subchapter XI, Part C, in that the prescriptions Simmons wrote for L.M., D.P., and J.E., were used by Cooper and other individuals (not Simmons) to commit health care fraud and violations of the federal Anti-Kickback Statute.

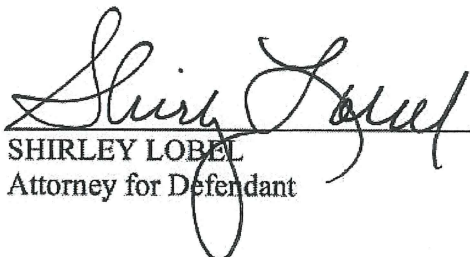
5. The defendant agrees that the defendant committed all the essential elements of the offenses alleged in the Superseding Information. This factual resume is not intended to be a complete accounting of all the facts and events related to the offenses charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Counts One through Three of the Superseding Information.

AGREED TO AND STIPULATED on this 10th day of March, 2021.

PRERAK SHAH
ACTING UNITED STATES ATTORNEY


WALTER NEIL SIMMONS
Defendant


DOUGLAS B. BRASHER
Assistant United States Attorney
Texas State Bar No. 24077601
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699
Telephone: 214-659-8604
Facsimile: 214-659-8802
douglas.brasher@usdoj.gov


SHIRLEY LOBEL
Attorney for Defendant